

M. Bruce Peele  
TBN 15721500  
1504 Westlake Drive  
Suite 101  
Plano, Texas 75075  
(972) 516-9884  
(972) 509-5625 (fax)  
ATTORNEY FOR THE DEBTOR

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

IN RE: )  
ART MIDWEST, INC. )  
Debtor )  
CASE NO. 04-91225-RFN-11

**Motions for a New Trial and Request to Amend Findings**  
**And to Enter Additional Findings of Fact**

COMES NOW the Debtor ART Midwest, Inc. and pursuant to Rule 9023 files this its Motion for a New Trial and pursuant to Rules 9014 and 7052 files this its Request to Amend Findings and for Additional Findings with regard to: 1. *Atlantic Parties' Motion to Dismiss Chapter 11 Case As A Bad Faith Filing*; 2. *Debtor's Objection to Claims of Atlantic XIII, LLC, Atlantic Midwest, LLC, David M. Clapper, Atlantic Limited Partnership XIII, Regional Properties, Limited Partnership and Atlantic XXXI, LLC*; 3. *Debtor's Disclosure Statement in Support of Plan of Liquidation*; and 4. *Debtor's Motion to Sell Assets Free and Clear of Liens, Claims, and Encumbrances*, which resulted in the entry of a Final Omnibus Order that was entered on October 20, 2005 in the above-captioned proceeding. In support of these Motions, the Debtor has filed its Brief and its proposed amendments to the findings of fact contemporaneously herewith and incorporated herein for all purposes.

Wherefore, premises considered, the Debtor respectfully request that this Court (1) set aside the Final Omnibus Order; (2) grant *Debtor's Objection to Claims of Atlantic XIII, LLC, Atlantic Midwest, LLC, David M. Clapper, Atlantic Limited Partnership XIII, Regional Properties, Limited Partnership and Atlantic XXXI, LLC*; (3) grant Debtor's *Disclosure Statement in Support of Plan of Liquidation*; (4) grant *Debtor's Motion to Sell Assets Free and Clear of Liens, Claims, and Encumbrances*; (5) amend the Court's findings in accordance with Debtor's request; and (6) grant the Debtor such other and further relief to which the Debtor may show itself entitled.

Respectfully submitted,

/s/M.BRUCE PEELE  
M. Bruce Peele  
TBN 15721500  
1504 Westlake Dr., Ste 101  
Plano, Texas 75075  
(972) 516-9884; (972) 509-5625 (fax)  
Attorney for the Debtor

**CERTIFICATE OF SERVICE**

I hereby certify that service of the forgoing Pleading was this 31<sup>st</sup> day of October 2005 was made electronically to:

Jeff P. Prostok  
Forshey & Prostok, LLP  
777 Main Street, Ste. 1290  
Ft. Worth, TX. 76102

Barlow, Garsek & Simon, LLP  
Robert Simon  
Henry Simon  
3815 Lisbon Street  
Fort Worth, TX 76107

/s/ M. BRUCE PEELE  
M. Bruce Peele